

RENTON CITY COUNCIL  
Regular Meeting

October 22, 2001  
Monday, 7:30 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF  
COUNCILMEMBERS**

DAN CLAWSON, Council President; TONI NELSON; RANDY CORMAN;  
DON PERSSON; TERRI BRIERE; KATHY KEOLKER-WHEELER.

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL EXCUSE  
ABSENT COUNCILMEMBER KING PARKER. CARRIED.

**CITY STAFF IN  
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer;  
ZANETTA FONTES, Assistant City Attorney; MARILYN PETERSEN, City  
Clerk; VICTORIA RUNKLE, Finance & Information Services Administrator;  
SUE CARLSON, Economic Development Administrator; JENNIFER TOTH  
HENNING, Principal Planner; DEREK TODD, Assistant to the CAO; CHIEF  
GARRY ANDERSON, Police Department.

**PROCLAMATION**  
Make a Difference Day –  
October 27, 2001

A proclamation by Mayor Tanner was read declaring the day of October 27,  
2001, to be "Make a Difference Day" in the City of Renton, and encouraging  
citizens to connect with others and work together through volunteer service to  
bridge the differences that separate people and help solve serious social  
problems. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL  
CONCUR IN THE PROCLAMATION AS READ. CARRIED.

**SPECIAL  
PRESENTATIONS**  
Police: Citizen Recognition  
Award to Gary White

Police Chief Garry Anderson presented Port of Seattle Fire Captain Gary White  
with a citizen recognition award for his assistance in the apprehension of a  
suspect who was being pursued by Renton police officers. On behalf of the  
Renton Police Department and the community, Chief Anderson thanked Mr.  
White for his assistance. Mr. White stated that this is the time to come together  
as a community and help each other, and he saw this as an opportunity to do so.

Finance: Employee Awards

Finance and Information Services Administrator Victoria Runkle announced that  
Print and Mail Coordinator Debbie Willard and Print and Mail Operator Karl  
Hurst were the recipients of the International Publishing Management  
Association Award for their efforts in printing the CIP. Ms. Runkle introduced  
the Budget group which consists of Finance Analyst Supervisor Sylvia  
Doerschel, Finance Analyst III Jill Masunaga, and Accounting Assistant II  
Dawna Truman; and presented them with the Government Finance Officers  
Association Distinguished Budget Presentation Award for 2001.

In addition, Ms. Runkle introduced Finance Analyst Supervisor Gina Jarvis and  
announced that she was the recipient of the Professional Finance Officers Award  
for her efforts in keeping abreast of and conducting training on current  
accounting standards.

**APPEAL**  
**Planning & Development**  
**Committee**  
Appeal: NE 4th St & Union  
Ave NE, Northward Homes  
(PP-01-082)

At Council request, Assistant City Attorney Zanetta Fontes confirmed that in  
order to begin debate on the unsigned Planning and Development Committee  
report regarding the NE 4th St. and Union Ave. NE preliminary plat appeal, a  
motion and a second is necessary; and Ms. Fontes recommended that any  
correspondence and related information be entered into the record prior to the  
reading of the report.

Councilwoman Keolker-Wheeler disclosed that Councilmembers received a memo dated October 12th from Mayor Tanner asking that the project be approved. Councilwoman Briere disclosed that she had a conversation with a staff member regarding her concerns on the safety issues related to this project. Councilman Corman disclosed that he had spoken with CAO Jay Covington and Mayor Tanner regarding the proposed Committee report. Council President Clawson reported that he spoke with Mr. Covington and Mayor Tanner about the Hearing Examiner's recommendation and overruling his decisions regarding street widths, sidewalks, and alternative construction.

MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL  
APPROVE THE COMMITTEE REPORT.\*

A report was presented regarding the appeals of Northward Homes and the City of Renton Development Services Division on the NE 4th St. and Union Ave. NE preliminary plat. The Committee convened on October 3, 2001, to consider the appeal of the Hearing Examiner's recommendation dated August 30, 2001, regarding the project proposed by Northward Homes.

The subject site is located at the north side of NE 4th St., west of Union Ave. NE. The applicant seeks to subdivide an approximately 4.7 acre property into 66 lots intended for future development of owner-occupied townhouses served by public streets. The developer is proposing townhouses despite the fact that the underlying zoning would allow stacked apartment served by private driveways. Administrative staff had allowed some street and sidewalk modifications consistent with their interpretation of the Council's stated intentions for the demonstration project. The Hearing Examiner recommended disapproval of the plat based on these street and sidewalk deviations.

City staff appealed on two grounds: that the modifications granted are an administrative decision and are not within the jurisdiction of the Hearing Examiner. Further, the City claims that the record does not support the Hearing Examiner's conclusions. The applicant concurred in the City's appeal.

After considering the Hearing Examiner's report, the Committee found that the Hearing Examiner had three concerns regarding this preliminary plat: 1) There were sidewalks on only one side of the street; 2) The street widths varied between 20 and 28 feet; and 3) There were "bump outs" throughout the development. (Note: even with the "bump outs" the street widths would not be less than 20 feet at any location.) The Committee also found that absent those three concerns, the Hearing Examiner would have recommended approval of the preliminary plat.

The Committee did not find any indication in the Hearing Examiner's report that identified why he determined that the proposed street widths were inadequate. Further, the Committee did not find any indication in the Hearing Examiner's report that identified an environmental reason for not approving the preliminary plat. Finally, the Committee did not find any indication in the Hearing Examiner's report that explained why the process of administrative modifications should be disregarded in this preliminary plat application. Therefore, the Committee finds there has been an error of fact and law.

The Committee found that the Hearing Examiner would have recommended approval of this preliminary plat without the modifications granted by the administration. Therefore, the Committee recommended that the City Council approve the preliminary plat, without the modifications granted by the

administration and subject to the conditions imposed by the Environmental Review Committee.

The Committee determined that it was within the administration's authority to approve the street and sidewalk plan. Therefore, the Committee further recommended to the Council that the administrative staff not be foreclosed from reconsidering and regranting the modifications, to wit: the "bump outs," modified street widths, and sidewalk modifications when doing its review of this proposal in preparation for final plat approval. (end of report)

Expressing his support for the Committee report, Councilman Corman stated the almost all of the Hearing Examiner findings concerned the layout of the sidewalks, the roads, and the "bump outs" in the roadways. He said that the question before the Committee was if this is a suitable piece of property for 66 owner-occupied homes or not. Mr. Corman relayed that the project falls under the auspices of a demonstration project in which development other than apartments is encouraged. He indicated that it is not up to Council to make decisions regarding safety and roadway issues and to say that the project is unsuitable for those reasons; it is the administration's responsibility to make determinations regarding the specifics of the street patterns.

Councilwoman Keolker-Wheeler stated her opposition to the Committee report as written. She explained that the project design is unsafe for reasons which include: there are no places for kids to play, there are limited sidewalks, the roads and alleys are too narrow, there is a lack of rights-of-way for future sidewalk development, and the design is not pedestrian friendly. Ms. Keolker-Wheeler said that she is not convinced that this project is in the best interest of future residents.

Regarding the use of demonstration projects, Ms. Keolker-Wheeler expressed her concern that the City is using the concept inappropriately. Demonstration projects have been completed within the City, and the City should be including what it learned from the projects into the codes of the City. Additionally, she expressed concerns regarding the purity of the process and how careful Councilmembers have to be to have no ex-parte contact with anyone, especially in this situation where the City is an appellant.

Council President Clawson and Councilman Corman indicated that they were not influenced by the Mayor's memo regarding the project. Mr. Corman described the purpose of demonstration projects like Village on Union and said that the subject property is zoned for apartments and if developed as apartments, there would be no sidewalk standard and public streets within the project. Approval of the project as proposed will result in better pedestrian and street access, and better patrol of the streets. Mr. Corman pointed out that if the property had been zoned single-family, he would be in agreement with Councilwoman Keolker-Wheeler; however, in this case it is an option.

Responding to Council inquiry regarding the various street widths, Principal Planner Jennifer Henning explained that there is a 28-foot wide street width throughout the project (20-foot travel lane with eight feet of parking), and there is a 20-foot and a 16-foot alley. Referring to a diagram of the subject site, Ms. Henning detailed the street widths, and the layout of the streets and sidewalks.

Indicating that she lives across the street from the project, Councilwoman Nelson said that she was pleased to see that the development will consist of single-family

homes. Council President Clawson described City policies that support this kind of development and stated that he is in favor of this project. Councilman Persson also indicated his support for the project.

\*MOTION CARRIED TO APPROVE THE PRELIMINARY PLAT.  
(Councilwoman Keolker-Wheeler asked that her "no" vote be recorded.)

MOVED BY PERSSON, SECONDED BY NELSON, COUNCIL REFER THE ISSUE OF ALLEY MAINTENANCE TO THE TRANSPORTATION COMMITTEE. CARRIED.

Councilman Corman stated that the City is using its Comprehensive Plan the way it is intended to be used when it comes to encouraging growth, density and amenities in areas where the City wants it. He noted that when developers approach the City with projects that comply with the Comprehensive Plan and City ordinances, the City needs to allow them to move forward with their projects. He encouraged citizens who are concerned about areas that are zoned at too high of a density to approach the City now, before applications are made for development. Councilwoman Keolker-Wheeler pointed out that for growth management purposes, the City will be undergoing a review of its Comprehensive Plan.

Responding to Council inquiry, Mayor Tanner requested a legal opinion on whether or not Council can remove unappealed land use items from the consent agenda for the purpose of reversing or amending the Hearing Examiner's recommendation.

## ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2001 and beyond. Items noted included:

- \* The City of Renton Neighborhood Program is launching a second round of grants for citizen-initiated local projects. Applications are due by November 2, 2001; for more information, call 425-430-6595.
- \* The Community Services Department is updating the City's long-range park, recreation and open space plan. Community workshops will be held on Wednesday, October 24th, at the Highlands Neighborhood Center, and Monday, October 29th, at the Maplewood Golf Course Cedar Room, both from 7:00 to 9:00 p.m.
- \* Studio East presents Storybook Theater *Hansel and Gretel* at Carco Theater on October 27th and 28th. For ticket information, call 1-877-827-1100.

Police: Speeding on Talbot Rd

Council President Clawson expressed concern about speeding traffic on Talbot Rd. S. and requested increased traffic enforcement.

**AUDIENCE COMMENT**  
Citizen Comment: Correa –  
Utilities Easement Area  
Restoration

Ken Correa, 670 Sunset Blvd. NE, Renton, 98056, stated that he is still not satisfied with the City's efforts regarding the restoration of his property, on which he granted the City a utilities easement, to its original condition. He also expressed concern about trespassers on his property. Mayor Tanner indicated that Mr. Correa should go ahead and contract for the restoration work, and file a claim with the City. He noted that if the costs are reasonable, the claim will be paid.

## CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Council Minutes of October 15, 2001	Approval of Council minutes of October 15, 2001. Council concur.
City Clerk: 2001 Primary Election Certification	City Clerk submitted the 2001 Primary Election certification from King County Records and Elections, as follow: Council Position No. 2 – Tim E. Segura, 668 votes, Rosemary Quesenberry, 1,859 votes (nominated), and Dan Clawson, 2,919 votes (nominated). Information.
Utility: Oversize Request by Burnstead Construction, Fund Transfer & Appropriation	Wastewater Utility Division requested approval of an oversizing request by Burnstead Construction in the amount of \$101,470 for additional costs associated with the East Renton Lift Station and requested fund transfer to cover the expense. Approval is also requested for an additional \$300,000 appropriation to cover costs associated with projects constructed within the Sewer Main Extension program. Refer to <u>Utilities Committee</u> .  MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.
<b>OLD BUSINESS</b> <b><u>Community Services Committee</u></b> Community Services: Skate Park Advisory Committee	Community Services Committee Chair Nelson presented a report regarding the possibility of forming a Skate Park Advisory Committee. The Committee recommended that staff help facilitate a meeting of Skate Park users to enable them to discuss ways to better operate and self-police the Skate Park. Recommendations resulting from these discussions may be presented to the Board of Park Commissioners for their consideration. MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
<b><u>Finance Committee</u></b> Finance: Spatialinfo Software Purchase	Finance Committee Vice Chair Nelson presented a report regarding the sole source acquisition of Spatialinfo software and services. The Committee recommended concurrence in staff's recommendation that the Information Services Division be authorized to purchase Spatialinfo software and application integration services from e-Terra. MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
Finance: Vouchers	Finance Committee Vice Chair Nelson presented a report recommending approval of Claim Vouchers 197462 - 197918, and two wire transfers totaling \$2,594,365.23; and approval of Payroll Vouchers 34541 - 34773 and 540 direct deposits and one wire transfer totaling \$1,599,248.61. MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
Finance: 2001 Bond Issuance (Downtown Parking Garage), 1997 Bond Refund	Finance Committee Vice Chair Nelson presented a report regarding the approval of an ordinance to refund 1997 debt; to issue new debt for the construction of the Downtown Parking Garage; and to purchase investments to meet the interest costs of the garage through 2004. The Committee recommended adoption of the ordinance that authorizes refunding of 1997 debt to take advantage of historically low interest rates. The refunding will result in savings of \$431,800 over the next 17 years. The net interest rate over the life of the bonds will be 4.77 percent.  In addition, the Committee recommended the ordinance also permit the City to issue \$6,000,000 of new debt at 5.15 percent interest over the life of the bonds. However, by placing in escrow \$753,800 the City will be able to earn in interest the same amount that it is spending for interest costs through 2004. Thus, the

cost of the garage through 2004 is only the forgone interest earnings. These bonds have a maturity schedule through 2021.

The Committee further recommended that the ordinance regarding this matter be presented for first reading and advanced to second and final reading. **MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT.\***

Responding to Councilwoman Keolker-Wheeler's inquiry regarding the placement of \$753,800 in escrow, Finance and Information Services Administrator Victoria Runkle explained that by placing that amount in escrow, the interest earned on the money will pay for the bonds issued for the garage through 2004.

**\*MOTION CARRIED.** (See page 379 for ordinance.)

**Transportation (Aviation)**  
**Committee**

CAG: 00-061, Oakesdale Ave  
SW Phase II, Additional  
Funding

Transportation (Aviation) Committee Chair Persson presented a report regarding the Oakesdale Ave. SW Phase II – SW 27th St. to SW 31st St. project (CAG-00-061). At its regularly scheduled meeting on October 16, 2001, the Transportation Committee concurred with the recommendation of the Planning/Building/Public Works Department to amend the project budget from the current \$2,500,000 to a new total of \$3,225,300 to cover additional anticipated costs. The anticipated costs are due to delays to the contract while obtaining the environmental permitting to proceed with the project, redesign of the wetland mitigation, and increased quantities to build the revised wetland mitigation plan. The cost of the delays, redesign, and increase in quantities are anticipated to increase the project budget by \$725,300.

The additional funding of \$725,300 required by the Oakesdale Ave. SW Phase II project will come from the 2001 ending fund balance. **MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

CAG: 00-099, East Valley  
Road Rehabilitation, Additional  
Funding

Transportation (Aviation) Committee Chair Persson presented a report regarding the East Valley Road Rehabilitation project (CAG-00-099) budget amendment. At its regularly scheduled meeting on October 16, 2001, the Committee concurred with the recommendation of the Planning/Building/Public Works Department to amend the project budget from the current \$1,664,000 to a new total of \$1,814,000 to cover additional costs. The additional amount is needed to cover the cost of several changes in requirements and material quantities, which arose during the course of construction, due to unforeseen conditions not anticipated during design. Funds in the amount of \$150,000 are need to complete payment on the contract.

The additional funding of \$150,000 required for the project will come from the NE 44th Street project which is currently on hold, thus creating available funding. **MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

CAG: 01-093, Benson Rd S  
Pedestrian Improvements,  
Additional Funding

Transportation (Aviation) Committee Chair Persson presented a report regarding the Benson Rd. S. Pedestrian Improvement project (CAG-01-093). At its regularly scheduled meeting on October 16, 2001, the Committee concurred with the recommendation of the Planning/Building/Public Works Department to amend the project budget from the current \$367,695 to a new total of \$417,695 to cover future anticipated costs. The contingency amount to cover future unanticipated costs is \$50,000.

The additional funding of \$50,000 to be added to the Benson Rd. S. Pedestrian Improvement project will come from NE 44th Interchange (Port Quendall project). MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

### **Utilities Committee**

Utility: Maplewood Water Treatment Improvements Design, PWTF Loan

Utilities Committee Chair Briere presented a report recommending concurrence in the recommendation of the Planning/Building/Public Works Department that the Mayor and City Clerk be authorized to sign the loan agreement with the State of Washington Department of Community, Trade and Economic Development for Public Works Trust Fund pre-construction loan number PW-01-691-PRE-117 for the design of the Maplewood Water Treatment Improvement Facility. The loan amount is not to exceed \$567,831, with a five-year term and 1/2 percent interest per year. The Committee further recommended that the resolution regarding this matter be presented for reading and adoption. MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See below for resolution.)

## **ORDINANCES AND RESOLUTIONS**

### **Resolution #3536**

Utility: Maplewood Water Treatment Improvements Design, PWTF Loan

The following resolution was presented for reading and adoption:

A resolution was read authorizing the Mayor and City Clerk to execute an interlocal cooperative agreement with the State of Washington Department of Community, Trade, and Economic Development entitled "Public Works Trust Fund Pre-Construction Loan Agreement Number PW-01-691-PRE-117" for design of the Maplewood Water Treatment Improvement project. MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and advanced for second and final reading:

Finance: 2001 Bond Issuance (Downtown Parking Garage), 1997 Bond Refund

An ordinance was read relating to the incurrence of indebtedness; providing for the sale and issuance of Limited Tax General Obligation and Refunding Bonds, 2001, to provide part of the costs of financing the construction of a Municipal Downtown Parking Garage and to advance refund and defease a portion of the City's Limited Tax General Obligation Bonds, 1997B; providing for the date, denominations, form, terms, registration privileges, maturity, interest rates and covenants of the bonds; providing for the annual levy of taxes to pay the principal thereof and the interest thereon; establishing a debt service fund and project fund for the bonds; and providing for the sale and delivery of such bonds to U.S. Bancorp Piper Jaffray Inc., Seattle, Washington. MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

### **Ordinance #4922**

Finance: 2001 Bond Issuance (Downtown Parking Garage), 1997 Bond Refund

Following second and final reading of the above ordinance, it was MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

The following ordinance was presented for second and final reading and adoption:

### **Ordinance #4923**

An ordinance was read amending Chapter 9-16, Special Assessment Districts, of

Special Assessment District:  
Time Payments for Sewer  
Connection (Alder Request)

Title 9 (Public Ways) of City Code by adding a new Section 9-16-10, revising policies pertaining to payment and administration of special assessment charges, and renumbering Sections 9-16-8 through 9-16-12. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

**NEW BUSINESS**

Police: Security Assistance  
Reimbursement, Seattle WTO  
Meeting

Referring to a letter from Seattle Mayor Paul Schell regarding security assistance during the 1999 World Trade Organization meeting in Seattle, Councilman Corman reported that Renton received reimbursement in the amount of \$62,785.40 for its assistance during the event.

Board/Commission: Planning  
Commission Recommendations

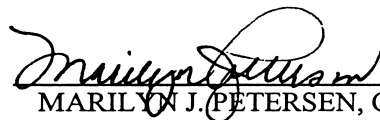
Referring to the minutes from the Planning Commission, Councilman Corman noted that discussion occurred suggesting the disbandment of the Commission, and expressing concern regarding the value of the Commission's recommendations. He emphasized that the Council values the input of the Commission. Mayor Tanner stated that he considers the Planning Commission a valued advisory committee. As a former member of the Planning and Development Committee, Council President Clawson said that the input from the Planning Commission is valuable. Councilwoman Keolker-Wheeler added that she intends to attend a Planning Commission meeting to learn more about the concerns of the members.

Human Services: Local  
Charitable Agencies Lack of  
Funds

Council President Clawson pointed out that local charitable agencies such as the food banks are suffering from a lack of funding and encouraged citizens to donate to these agencies.

**ADJOURNMENT**

MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL ADJOURN. CARRIED. Time: 9:15 p.m.



MARILYN J. PETERSEN, CMC, City Clerk